

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 403**

Introduced by Dierks, 40

Read first time January 13, 1999

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-1503,  
2 2-1547, 2-1584, 2-1596, 2-4901, and 23-320.01, Reissue  
3 Revised Statutes of Nebraska, and sections 77-1363 and  
4 85-162.03, Revised Statutes Supplement, 1998; to change  
5 references to the names of federal services to reflect  
6 their new names; and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 2-1503, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   2-1503. As used in Chapter 2, article 15, unless the  
4 context otherwise requires:

5                   (1) Commission or Nebraska Natural Resources Commission  
6 ~~shall mean~~ means the agency created in section 2-1504;

7                   (2) State ~~shall mean~~ means the State of Nebraska;

8                   (3) Agency of this state ~~shall mean~~ means the government  
9 of this state and any subdivision, agency, or instrumentality,  
10 corporate or otherwise, of the government of this state;

11                   (4) United States or agencies of the United States ~~shall~~  
12 ~~mean~~ means the United States of America, the ~~Soil Conservation~~  
13 ~~Service~~ Natural Resources Conservation Service of the United States  
14 Department of Agriculture, and any other agency or instrumentality,  
15 corporate or otherwise, of the United States of America;

16                   (5) Government or governmental ~~shall mean~~ means the  
17 government of this state, the government of the United States, and  
18 any subdivision, agency, or instrumentality, corporate or  
19 otherwise, of either of them;

20                   (6) Lands, easements, and rights-of-way ~~shall mean~~ means  
21 lands and rights or interests in lands whereon channel  
22 improvements, channel rectifications, or water-retarding or  
23 gully-stabilization structures are located, including those areas  
24 for flooding and flowage purposes, spoil areas, borrow pits, access  
25 roads, and similar purposes;

26                   (7) Local organization ~~shall mean~~ means any natural  
27 resources district, drainage district, irrigation district, or  
28 other public district, county, city, or state agency;

1           (8) Subwatershed ~~shall mean~~ means a portion of a  
2 watershed project as divided by the commission on a complete  
3 hydrologic unit;

4           (9) Rechanneling ~~shall mean~~ means the channeling of water  
5 from one watercourse to another watercourse by means of open  
6 ditches;

7           (10) Watercourse ~~shall mean~~ means any depression two feet  
8 or more below the surrounding land serving to give direction to a  
9 current of water at least nine months of the year, having a bed and  
10 well-defined banks and shall, upon order of the commission, also  
11 include any particular depression which would not otherwise be  
12 within the definition of watercourse; and

13           (11) Director ~~shall mean~~ means the Director of Natural  
14 Resources as provided in section 2-1504.03.

15           Sec. 2. Section 2-1547, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           2-1547. The State Treasurer is hereby directed to create  
18 and establish the Nebraska Natural Resources Commission Cash Fund.  
19 The State Treasurer shall credit to such fund such money as is  
20 specifically appropriated or reappropriated by the Legislature.  
21 The State Treasurer shall also credit such fund with payments, if  
22 any, accepted for services rendered pursuant to section 2-1506.  
23 The funds made available to the Nebraska Natural Resources  
24 Commission by the United States, through the ~~Soil Conservation~~  
25 ~~Service~~ Natural Resources Conservation Service of the Department of  
26 Agriculture or through any other agencies, shall be credited to the  
27 fund by the State Treasurer. Any money in the fund available for  
28 investment shall be invested by the state investment officer

1 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
2 State Funds Investment Act. The commission shall allocate money  
3 from the fund to pay costs of the programs or activities for which  
4 the money has been appropriated, reappropriated, or collected. The  
5 Director of Administrative Services, upon receipt of proper  
6 vouchers approved by the commission, shall issue warrants on the  
7 fund, and the State Treasurer shall countersign and pay from, but  
8 never in excess of, the amounts to the credit of the fund.

9           Sec. 3. Section 2-1584, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           2-1584. The Nebraska Natural Resources Commission may  
12 request and utilize assistance in the administration of the  
13 Nebraska Soil and Water Conservation Fund from natural resources  
14 districts, from the ~~Soil Conservation Service~~ Natural Resources  
15 Conservation Service and the ~~Agricultural Stabilization and~~  
16 ~~Conservation Service Farm Service Agency~~ of the United States  
17 Department of Agriculture, and from any other appropriate local,  
18 state, or federal agencies. Such assistance may include accepting  
19 and approving applications for funds and designing, laying out, and  
20 certifying the proper completion of projects and practices.

21           Sec. 4. Section 2-1596, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           2-1596. The Legislature finds that an accelerated  
24 completion of modern soil surveys will be an asset to the State of  
25 Nebraska and good for the general welfare of the citizens of the  
26 state. The Legislature further finds that the completion of modern  
27 soil surveys can be most appropriately accomplished by  
28 accelerating, in a manner deemed appropriate by the Nebraska

1 Natural Resources Commission, state financial input into the  
2 combined state and federal effort currently being conducted  
3 cooperatively by the Natural Resources Conservation Service of the  
4 United States Department of Agriculture, ~~Soil Conservation Service~~  
5 and the Conservation and Survey Division, of the University of  
6 Nebraska. It is therefor the intent of this Legislature to embark  
7 upon an accelerated program for the completion of Nebraska's modern  
8 soil surveys and to recommend that the State of Nebraska and the  
9 Legislature appropriate the funds necessary to carry out this  
10 accelerated program during the years required for its completion.

11 Sec. 5. Section 2-4901, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 2-4901. (1) The Climate Assessment Response Committee is  
14 hereby created. The office of the Governor shall be the lead  
15 agency and shall oversee the committee and its activities. The  
16 committee shall be composed of representatives appointed by the  
17 Governor with the approval of a majority of the Legislature from  
18 livestock producers, crop producers, and the Nebraska Emergency  
19 Management Agency, Conservation and Survey Division and Cooperative  
20 Extension Service of the University of Nebraska, Department of  
21 Agriculture, Department of Health and Human Services Regulation and  
22 Licensure, Department of Water Resources, Governor's Policy  
23 Research Office, and Nebraska Natural Resources Commission.  
24 Representatives from the federal ~~Agricultural Stabilization and~~  
25 ~~Conservation Service~~ Farm Service Agency and Federal Crop Insurance  
26 Corporation may also serve on the committee at the invitation of  
27 the Governor. The Governor may appoint the chairperson of the  
28 Committee on Agriculture of the Legislature and the chairperson of

1 the Committee on Natural Resources of the Legislature and any other  
2 state agency representatives or invite any other federal agencies  
3 to name representatives as he or she deems necessary. The Governor  
4 shall appoint one of the Climate Assessment Response Committee  
5 members to serve as the chairperson of the committee. Committee  
6 members shall be reimbursed for actual and necessary expenses as  
7 provided in sections 81-1174 to 81-1177.

8 (2) The committee shall meet at least twice each year and  
9 shall meet more frequently (a) at the call of the chairperson, (b)  
10 upon request of a majority of the committee members, and (c) during  
11 periods of drought or other severe climate situations.

12 (3) The chairperson may establish subcommittees and may  
13 invite representatives of agencies other than those with members on  
14 the committee to serve on such subcommittees.

15 (4) Any funds for the activities of the committee and for  
16 other climate-related expenditures may be appropriated directly to  
17 the office of the Governor for contracting with other agencies or  
18 persons for tasks approved by the committee.

19 Sec. 6. Section 23-320.01, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 23-320.01. In any county of the State of Nebraska in  
22 which the Corps of Engineers of the United States Army, the Bureau  
23 of Reclamation, ~~Soil Conservation Service~~ Natural Resources  
24 Conservation Service, or other department or agency of the federal  
25 government shall be authorized by Congress to construct works for  
26 flood control, watershed protection and flood prevention,  
27 irrigation, soil and water conservation, drainage, or similar  
28 projects, or in cooperation with the programs of natural resources

1 districts, irrigation districts, reclamation districts, or similar  
2 agencies, the county board thereof shall, if in its opinion the  
3 ~~said~~ construction is necessary for the public welfare, have the  
4 power to: (1) Enter into an undertaking, in the name of the  
5 county, to hold the United States of America free from any damage  
6 to persons or property resulting during the construction or after  
7 the completion thereof, (2) contract with the federal government,  
8 in the name of the county, that when ~~said~~ the work is completed the  
9 ~~said~~ county will maintain, keep in repair, and operate such flood  
10 control works or other similar projects, (3) furnish all necessary  
11 lands, rights-of-way, and easements, as provided in section  
12 23-320.02, (4) appropriate such funds as may be necessary to fully  
13 develop, plan, and carry out a coordinated program of flood control  
14 or soil and water resource development for such county, and (5)  
15 appropriate such funds as may be necessary to pay the construction  
16 costs and expenses in excess of funds to be provided by the federal  
17 government.

18           Sec. 7.     Section 77-1363, Revised Statutes Supplement,  
19 1998, is amended to read:

20           77-1363. Agricultural land and horticultural land shall  
21 be divided into categories, including, but not limited to,  
22 irrigated cropland, dryland cropland, grassland, wasteland,  
23 nurseries, feedlots, and orchards, so that the categories reflect  
24 uses appropriate for the valuation of such land according to law.  
25 Categories shall be divided into subclasses based on soil  
26 classification standards developed by the Natural Resources  
27 Conservation Service of the United States Department of  
28 Agriculture. ~~Soil Conservation Service.~~ Land enrolled in a

1 federal or state program in which payments are received for  
2 removing such land from agricultural or horticultural production  
3 shall be classified according to its taxable value as determined in  
4 subsection (2) of section 77-201. County assessors shall utilize  
5 and implement soil surveys in the tax year after the soil survey  
6 maps become available. County assessors shall utilize and  
7 implement soil classifications as converted into land valuation  
8 groups provided by the Property Tax Administrator.

9           Sec. 8. Section 85-162.03, Revised Statutes Supplement,  
10 1998, is amended to read:

11           85-162.03. In carrying out sections 85-162.01 to  
12 85-162.05, the State Forester shall cooperate with (1) any agency  
13 or bureau of the United States, including, but not limited to, the  
14 Forest Service, the ~~Soil Conservation Service~~ Natural Resources  
15 Conservation Service, the ~~Agricultural Stabilization and~~  
16 ~~Conservation Service Farm Service Agency~~, the Bureau of  
17 Reclamation, the Corps of Engineers, and the Bureau of Outdoor  
18 Recreation, (2) any agency or bureau of the State of Nebraska or  
19 its political subdivisions, including, but not limited to, the Game  
20 and Parks Commission, the Nebraska Natural Resources Commission,  
21 the State Fire Marshal, the Department of Agriculture, the Adjutant  
22 General, the Department of Economic Development, and the  
23 Conservation and Survey Division, and (3) any incorporated  
24 municipality of the state or any political subdivision of the  
25 state, including, but not limited to, rural fire districts, natural  
26 resources districts, and weed control districts.

27           Sec. 9. Original sections 2-1503, 2-1547, 2-1584,  
28 2-1596, 2-4901, and 23-320.01, Reissue Revised Statutes of



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- 1 Nebraska, and sections 77-1363 and 85-162.03, Revised Statutes
- 2 Supplement, 1998, are repealed.